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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Chi Fai Ho

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Peter Tong
1807 Limetree Lane
Mountain View, CA 94040

EXAMINER

UTAMA, ROBERT J

ART UNIT

PAPER NUMBER

3715

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,706	Applicant(s) HO ET AL.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-42, 44-47, 50, 51, 56, 57 and 59-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-42, 50, 51, 56, 57 and 62-70 is/are allowed.
- 6) ☒ Claim(s) 81-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This office action is a response to the amendment and argument filed on 09/12/2008. The current claims status of the application is as follow: claim 39-42, 44-47, 50-51, 56-57 and 59-92.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 81-82, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haga et al US 5,211,563 in view of Negishi et al 4,894,777.**

Claim 81: The Haga et al reference provides a teaching of a computer implemented method to assist a user to learn a subject comprising of causing a study material to be presented to a user via a multi-window environment that presents multiple window to the user via a display associated with a computing device (see col. 4:55-65, col. 7:10-20 and FIG 1 item 101, 104 and 103). However, the Haga reference fails to provide a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device. However the Negishi reference provides a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to which of the

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multiple window of the study materials are in (see col. 4:15-40 "area watching the CRT") and another area relates to the user's input to the computing device (see col. 4:15-40 "area watching the keyboard"). Therefore, one of ordinary skilled in the art at the time of the invention would have found including the feature of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 82: The Haga reference fails to provide a teaching of adjusting the study materials for presentation on the subject in view of the determination of the user's attention to the study materials (claim 82). However, the Negishi reference provides a teaching of adjusting the study materials for presentation on the subject in view of the determination of the user's attention to the study materials (see col. 4:30-35). Therefore one of ordinary skilled in the art would have found it to be obvious to include the feature of adjusting the study materials for presentation on the subject in view of the determination of the user's attention to the study materials, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 89: The Haga reference fails to provide a teaching of adjusting the study material for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level. However, the Negishi reference provides a teaching of adjusting the study material for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level (see 4:43-60). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of adjusting the study material for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

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4. **Claims 83-84, 86-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haga et al US 5,211,563 in view of Negishi et al 4,894,777 and further in view of Capek 5,333,272.**

Claims 83-84: The combination of Haga and Negishi fail to provide a teaching of adjusting the content of the window in view of a lack of input from the user to window in predetermined period of time and the adjustment is due to lack input from the user to the window of the study material are in. However, the Capek reference provides a teaching of adjusting the content of the window in view of a lack of input from the user to window in predetermined period of time (see col. 7:35-50) and the adjustment is due to lack input from the user to the window of the study material are in (col. 7:15-25). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of adjusting the content of the window in view of a lack of input from the user to window in predetermined period of time and the adjustment is due to lack input from the user to the window of the study material are in order to insure that the user will be paying attention to the task at hand (see col. 2:5-15).

Claim 86: The Haga reference fails to provide a teaching where the user's input is monitored to determine user's attention to the study material and the user's input being monitored via a position pointing device. However, the Negishi reference provide a teaching where the user's input is monitored to determine user's attention to the study material and the user's input being monitored via a position pointing device (see col. 4:50-55 "keyboard"). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of where the user's input is monitored to determine user's attention to the study material and the user's input being monitored via a position pointing device, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claims 87 and 90: The Haga reference fails to provide a teaching of where the user's input is monitored to determine the user's attention to the study material and the user's input being monitored is in being monitored in response to the study materials presented. However, the

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Negishi reference provides a teaching of where the user's input is monitored to determine the user's attention to the study material and the user's input being monitored is in being monitored in response to the study materials presented (see col. 4:20-30). Therefore it would have been obvious one of ordinary skilled in the art to include the feature of where the user's input is monitored to determine the user's attention to the study material and the user's input being monitored is in being monitored in response to the study materials presented, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 88: The Haga reference fails provide a teaching of comprising providing an indication of the level of user's attention to the study material. However, the Negishi reference provides a teaching of indication of the level of user's attention to the study material (see col. 4:15-25 "fatigue"). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of providing indication of the level of user's attention to the study material, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 92: The Haga et al reference provides a teaching of a computer implemented method to assist a user to learn a subject comprising of causing a study material to be presented to a user via a multi-window environment that presents multiple window to the user via a display associated with a computing device (see col. 4:55-65, col. 7:10-20 and FIG 1 item 101, 104 and 103). However, the Haga reference fails to provide a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device. However the Negishi reference provides a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to which of the multiple window of the study materials are in (see col. 4:15-40 "area watching the CRT") and another area relates to the user's input to the computing device (see col. 4:15-40 "area watching the keyboard"). Therefore, one of ordinary skilled in the art at the time of the invention would have found including the feature of monitoring at least two areas to determine

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the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

The combination of Haga and Negishi fail to provide a teaching of adjusting the content of the window in view of a lack of input from the user to window in predetermined period of time and the adjustment is due to lack input from the user to the window of the study material are in. However, the Capek reference provides a teaching of adjusting the content of the window in view of a lack of input from the user to window in predetermined period of time (see col. 7:35-50) and the adjustment is due to lack input from the user to the window of the study material are in (col. 7:15-25). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of adjusting the content of the window in view of a lack of input from the user to window in predetermined period of time and the adjustment is due to lack input from the user to the window of the study material are in order to insure that the user will be paying attention to the task at hand (see col. 2:5-15).

5. **Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haga et al US 5,211,563 in view of Negishi et al 4,894,777, in view of Capek 5,333,272 and further in view of Perelli US 4,464,121**

Claim 85: The combination of Haga and Negishi fail to provide a teaching wherein the speed of user's input into the computing device is monitored to determine the user's attention to the study material. However, the Perelli reference provide a teaching wherein the speed of user's input into the computing device is monitored to determine the user's attention to the study material (see col. 6:60-75). Therefore, it would have obvious to one of ordinary skilled in the art at the time invention to include the feature of Perelli reference provide a teaching wherein the speed of user's input into the computing device is monitored to determine the user's

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attention to the study materials, as taught by Perelli, in order to improve student's efficiency in absorbing new study material (see col. 5:45-60).

6. **Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haga et al US 5,211,563 in view of Negishi et al US 4,894,777, in view of Capek US 5,333,272 (and further in view of Yamaguchi US 5,546,598.**

Claim 91: The Haga reference provides a teaching of the multiple window presented to the user via the display is a focus window. The Haga reference fails to provide a teaching of monitoring areas that relates to which of the multiple window the study materials are in comprises monitoring whether the study material are in the focus window. However, the Yamaguchi references provides a teaching of monitoring areas that relates to which of the multiple window the study materials are in comprises monitoring whether the study material are in the focus window (see col. 13:30-50 "focus change" "windows destruction" event and col. 15:55-67 monitoring window being viewed by the user"). Hence, it would have obvious to one of ordinary skilled in the art to include the feature of monitoring areas that relates to which of the multiple window the study materials are in comprises monitoring whether the study material are in the focus window, as taught by the Yamaguchi reference, in order to insure that the work or learning are done by the user (see col. 3:5-15).

Response to Arguments

7. As indicated in the previous office action dated 08/05/2008 claims 39-42, 44—47, 50-51, 56-57, 59-80 are currently indicated as allowable subject matter.

8. In response to applicant's argument with the discrepancies of the allowable matter. The examiner would like to apologize to the applicant for omitting the claims 39-42, 50-51, 56-57 and 62-70 in the last response. The examiner agrees with the applicant that claims 39-42, 50-51, 56-57 and 62-70 should have been marked as allowable subject matters.

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9. With respect to applicant's argument on claim 81, the applicant argues that the Negishi reference fails to provide the teaching of "monitoring at least two areas to determine the user's attention to the study material, wherein one area relates to which of the multiple window the study material are in, and another area relates to the user's input into the computing device." The examiner respectfully disagrees. The current claim only requires that the monitoring is done in two areas. The examiner currently interpret the limitation of "one area relates to which of the multiple window the study material are in ..." as monitoring whether the user is looking at the display screen where the study material is located (the examiner takes the position that the study material is located in the display device of the system) and the limitation of "another area relates to the user's input into the computing device" as monitoring whether the user is providing input to the computer. The Negishi reference discloses the monitoring of the two areas (col. 4:15-40 "area watching the CRT and keyboard"). Currently, the examiner takes the position that the disclosure of the monitoring of the two areas, as taught by the Negishi, references taught the current limitation as presented in claim 81.

10. Additionally, the examiner also notes that it appears that the applicant present the argument that there is insufficient motivation to combine the two references of Negishi and Haga. No further argument are shown in the (see applicant's argument page 11). The examiner set forth that motivation to combine the two references can be found in the Negishi reference as shown in the above rejection.

11. With respect to applicant's argument on claim 83, 85 and 91-92, argument is considered moot. Newly applied prior art has been applied to address the newly presented claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

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